

AMENDED IN ASSEMBLY APRIL 10, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 325

Introduced by Assembly Member Cogdill

February 7, 2003

An act relating to murder to add Sections 467 and 467.5 to the Penal Code, relating to shoplifting.

LEGISLATIVE COUNSEL'S DIGEST

AB 325, as amended, Cogdill. ~~Murder~~ Shoplifting: booster bags.

(1) Existing law makes unlawful the possession of various tools and devices used to commit a burglary.

This bill would provide, in addition, that any person who possesses with intent to commit theft, or who knowingly manufactures, sells, offers for sale, or distributes, any laminated or coated bag or device intended to shield merchandise from detection by a theft detection device, as defined, is guilty of a misdemeanor. Because the bill would create new crimes, it would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~Existing law provides various penalties for murder, as specified.~~

~~This bill would express the intent of the Legislature to impose stricter penalties on those defendants convicted of the murder of children.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~—yes.
State-mandated local program: ~~no~~—yes.

The people of the State of California do enact as follows:

1 ~~SECTION 1.—It is the intent of the Legislature to enact~~
2 *SECTION 1. Section 467 is added to the Penal Code, to read:*
3 *467. A person who possesses any laminated or coated bag or*
4 *device intended to shield merchandise from detection by a theft*
5 *detection device with intent to commit theft is guilty of a*
6 *misdemeanor. A “theft detection device” means a mechanism or*
7 *other device designed and operated for the purpose of detecting*
8 *the removal from a business establishment of specially marked or*
9 *tagged merchandise.*
10 *SEC. 2. Section 467.5 is added to the Penal Code, to read:*
11 *467.5. Any person who knowingly manufactures, sells, offers*
12 *for sale, or distributes any laminated or coated bag or device*
13 *intended to shield merchandise from detection by a theft detection*
14 *device is guilty of a misdemeanor.*
15 *SEC. 3. No reimbursement is required by this act pursuant to*
16 *Section 6 of Article XIII B of the California Constitution because*
17 *the only costs that may be incurred by a local agency or school*
18 *district will be incurred because this act creates a new crime or*
19 *infraction, eliminates a crime or infraction, or changes the penalty*
20 *for a crime or infraction, within the meaning of Section 17556 of*
21 *the Government Code, or changes the definition of a crime within*
22 *the meaning of Section 6 of Article XIII B of the California*
23 *Constitution.*
24 ~~legislation imposing stricter penalties on those defendants~~
25 ~~convicted of the murder of children.~~

